

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01 ISO-00

CAB-09 CIAE-00 COME-00 DODE-00 DOTE-00 EB-11 INR-10

NSAE-00 FAA-00 L-03 PM-07 NSC-07 SPC-03 SS-20 PRS-01

DRC-01 (ISO) W

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P 202021Z MAR 74

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC PRIORITY 4536

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FROM USREP ICAO

E. O. 11652: N/A

TAGS: ETRN, CA

SUBJ: ICAO - LIBERATION MOVEMENTS

REF: STATE 054551

1. REGARDING CWP/5940, MUCH OPPOSITION EXPRESSED INFORMALLY AND PERSONALLY BY COUNCIL REPS TO INVITING LIBERATION MOVEMENTS TO ICAO MEETINGS. HOWEVER, MOST COUNCIL REPS ARE RECONCILED TO ACCEPTING MOVEMENTS AS OBSERVERS BASED PRIMARILY ON UN ACTION. USREP DOES NOT SEE LEGAL INTERPRETATIONS AND POSSIBLE WAY OF LIMITING PARTICIPATION. GUINEA-BISSAU HAS ALREADY BEEN ADDED TO ICAO "LIST OF NON-CONTRACTING STATES" PURSUANT TO SIMILAR ACTION BY FAO LAST NOVEMBER. SOME COUNCIL MEMBERS FEEL THAT IN THIS CASE, STATUS IS QUESTIONABLE. QUESTIONS BEING ASKED ARE: DOES A LIBERATION MOVEMENT HAVE GEOGRAPHIC TERRITORY, DOES IT OPERATE AN AIRLINE IN INTERNATIONAL CIVIL AVIATION, DOES IT ADMINISTER AIRPORTS OR NAVIGATIONAL AIDS, WOULD IT PARTICIPATE IN TECHNICAL MEETINGS OF ICAO OR ONLY USE NON-TECHNICAL BODIES SUCH AS LEGAL COMMITTEE, ASSEMBLY (AND OCCASIONALLY COUNCIL) AS FORA FOR POLITICAL PRESSURE?

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2. REGARDLESS OF THE ACTION TAKEN BY COUNCIL, IT IS OBVIOUS THAT THE ASSEMBLY WILL VOTE TO INVITE MOVEMENTS.

3. REGARDING THE "CONSTITUTIONAL AND PRECEDURAL ASPECTS" AND "CONSTITUTIONAL RESTRAINTS" MENTIONED IN REFTEL SEEM NEBULOUS AT BEST PARTICULARLY WITH REFERENCE TO PARA 6 THROUGH 9 OF DRAFT ASSEMBLY WORKING PAPER. IF "CONSTRAINTS" ARE TO BE INTRODUCED INTO COUNCIL ACTION, US WILL HAVE TO INITIATE THE ACTION AMONG OTHER COUNCIL MEMBERS WHO ARE RECONCILED TO AN UNPLEASANT INEVITABILITY.

4. IF GRANTED OBSERVER STATUS, LIBERATION MOVEMENTS WILL HAVE SAME BASIS NON-CONTRACTING STATES IN ICAO AND OTHER INTERNATIONAL ORGANIZATIONS UNLESS LEGAL RESTRICTIONS IMPOSED. ANY EFFORT TO RESTRICT/LIMIT INTERVENTION (WHICH OBVIOUSLY IS PRIVILEGE SOUGHT) WILL BE CONSIDERED DISCRIMINATORY AND EVEN IF DEFEATED IN COUNCIL (UNLIKELY) WILL BE VOTED BY ASSEMBLY.

5. PRES/COUNCIL EXPECTS WE WILL WANT TO SUPPORT ALTERNATIVE A PAGE 8 DRAFT ASSEMBLY WP. THAT WILL KEEP MATTER IN COUNCIL HANDS, LIMIT POSSIBILITIES TO OAU, AND TO "RESPECTIVE TERRITORIES". PRES AND SEC GEN INTEND INTERPRET THAT ACTION AS INVITATION TO AFIRAN ONLY. FYI. HE SAYS NIMIBIA OBSERVER AT ROME AFIRAN MADE 5 MINUTE STATEMENT AND DISAPPEARED AFTER 2-3 DAYS. END FYI.

5. USREP HOPES DISCUSS PAPER WITH LEGAL BUREAU AS WELL AS IO DURING CONSULTATION MARCH 25 - 27.

6. ITEM WILL COME UP A.M. OF MARCH 22 OR IF NOT REACHED THEN WILL COME UP MARCH 29 RPT MARCH 29.
HARPER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PARAMILITARY FORCES, POLICIES, INTERNATIONAL ORGANIZATIONS, MEETING DELEGATIONS, MEETING OBSERVERS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974MONTRE00381
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740059-0663
From: MONTREAL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740329/aaaabbek.tel
Line Count: 92
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 054551
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2002 by boyleja>; APPROVED <02 JUL 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ICAO - LIBERATION MOVEMENTS
TAGS: ETRN, CA, ICAO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005